

N.D.A.G. Letter to Manly (Sep. 12, 1988)

September 12, 1988

Mr. Robert E. Manly
Eddy County State's Attorney
P.O. Box 949
New Rockford, ND 58356

Dear Mr. Manly:

Thank you for your letter of August 18, 1988, inquiring whether N.D.C.C. § 11-18-05(1) requires a fee of \$8 or \$5 to be paid for recording a document titled "Release of Mortgage and Assignment of Mortgage."

Instruments releasing more than one instrument previously recorded in the county in which recording is requested require a recording fee of \$5 for the first page and \$2 for each additional page, plus \$3 for each such additional instrument. N.D.C.C. § 11-18-05(1)(b). However, the recording fee for all other instruments not provided for in N.D.C.C. § 11-18-05(1) is \$5. N.D.C.C. § 11-18-05(1)(a).

It is my opinion that a release of mortgage does not operate to "release" an assignment. Because the release document does not release more than one instrument previously recorded, pursuant to N.D.C.C. § 11-18-05(1)(a), the \$5 fee would be appropriate.

Sincerely,

Nicholas J. Spaeth

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